

TYRONE P. JAMES V. YORK COUNTY POLICE DEPARTMENT, ET. AL.,

CASE ACTION NO. 01:01-CV-1015

**EXHIBIT "3"**

1 now that I will not be available the week of the 29th nor  
2 the week of November 5th. I am presently expecting  
3 approval to extend my personal trial schedule through the  
4 27th of November, but until I get approval and we can do  
5 jurors, that's that.

6 ATTORNEY NERO: I understand.

7 THE COURT: So, not to say that there  
8 wouldn't be another judge available to try the case.  
9 Therefore, there will be a pretrial conference on October  
10 9th at 9:00 o'clock and by that date I would expect to  
11 have either other judges available or to adjust my  
12 personal trial schedule to accommodate at least seven  
13 additional days of trial time instead of ten.

14 We then have finally one other thing that  
15 no one has really talked about and that is the motion to  
16 reduce bail. Frankly I had thought we may not need to  
17 address that because I had thought we would proceed to  
18 trial. We're now not doing that so that's on the table.

19 ATTORNEY SINNETT: Well, Your Honor, the  
20 Commonwealth's position is it's obvious the Defendant has  
21 ties to California, had documents concerning travel  
22 throughout his wallet and throughout his personal  
23 property at the time he was seized. Obviously he's been  
24 here for all court appearances because he's been  
25 incarcerated the whole time, but due to the nature of the

1 substances we're talking about, we're talking about high  
2 mandatory minimum sentences if imposed. The Defendant's  
3 obviously, through his own mouth and through all the  
4 documents that were seized from him, he's obviously a  
5 flight risk to the Commonwealth. I don't believe the  
6 bail should be lowered and it's necessary to ensure his  
7 presence here. It's not as punishment or a figure set  
8 because of the amount of drugs but rather to ensure that  
9 he is present at the time the case is called to trial.

10 Also one other thing, Your Honor, we  
11 indicated the Defendant, although now probably has  
12 indicated in the report is an American citizen, he is  
13 from -- at least mentions to the police he is from the  
14 Virgin Islands meaning he would also have family contacts  
15 outside the jurisdiction in that direction as well as  
16 California.

17 ATTORNEY NERO: May I, Your Honor? Yes.  
18 In fact, his wife is here. She lives in York. He has a  
19 child here and has extensive ties here in York as well.  
20 We're talking about bail of 2.5 million dollars. I  
21 believe astronomical on the situation. I'm not asking  
22 you to release him ROR or he be allowed to set his own  
23 bail. I'm asking that the amount be reduced  
24 significantly to a reasonable amount.

25 The fact is he does have ties here. That's

1 not controverted. The facts submitted by the  
2 Commonwealth -- The Virgin Islands is a U.S. territory  
3 and he's also a United States citizen, and I believe at  
4 the time when bail was set it was through contrary  
5 evidence presented why bail was so high. It was some  
6 confusion about that. I think that's agreed to by the  
7 Commonwealth. I'm asking that bail be reduced to a  
8 reasonable amount.

9 THE COURT: I can't tell quickly, was bail  
10 set by this court another judge?

11 ATTORNEY SINNETT: It was set by the  
12 magistrate. It was set after the arrest. It was  
13 \$500,000 set by District Justice Leppo. That was for the  
14 (fake package) out of Eastern Boulevard, and District  
15 Justice Haskell gave him a million on each charge  
16 compounding them to be 2.5 mil.

17 When she was interviewed by Agent Morgan  
18 and Agent Rios I believe of the Attorney General's  
19 Office, she said that the Defendant doesn't live with  
20 her, she has very fleeting contact with him via cell  
21 phone when she needs something, but that he doesn't live  
22 here contrary to the position that he told us.

23 We have three different Mail Boxes, Etc.,  
24 applications, which the Commonwealth has seven different  
25 places of employment, three different addresses in the

"Hearsay"

1 York area. Clearly his contacts are not as strong here  
2 as he is leading the Court to believe.

3 THE COURT: Under the circumstances, I'm  
4 not inclined to reduce bail. That motion is refused.

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6 END OF PROCEEDINGS

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